

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America

v.

Guadalupe Omar GARZA

Defendant(s)

Case No.

C-14-1159M

Clerk, U.S. District Court
Southern District of Texas
FILED

OCT 28 2014

David J. Bradley, Clerk of Court

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 10/27/2014 in the county of Brooks in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

21 U.S.C., 841(a)(1)

Knowingly, intentionally and unlawfully
possess with the intent to distribute a
controlled substance in Schedule I of
the Controlled Substance Act of 1970, to
wit: 128.52 kilograms, approximate gross
weight, of marijuana

This criminal complaint is based on these facts:

See Attachment "A"

☒ Continued on the attached sheet.

Complainant's signature

TFO Richard Ramirez

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/28/2014City and state: Corpus Christi, Texas

Judge's signature

E. Janice Ellington, US Magistrate Judge

Printed name and title

"ATTACHMENT A"Guadalupe Omar GARZA

On October 27, 2014 I, Border Patrol Agent Ricardo Estrada, was working the primary inspection lane at the U.S. Border Patrol Checkpoint, 13 miles south of Falfurrias, Texas on Highway 281. Also working with me on this day was Border Patrol Agent R. Gonzalez and his Service Canine "Tina". At approximately 0435 hours a 2015 Ford F-250 approached the primary inspection lane for an immigration inspection of its passengers. As the vehicle approached, I observed one visible occupant in the vehicle.

When the vehicle came to a stop, BPA Estrada asked the driver and passenger, later identified as GARZA, Guadalupe Omar if he was United States citizen. GARZA responded that he was a United States Citizen. As BPA Estrada was conducting his immigration inspection of GARZA, BPA Garza noticed that he appeared nervous and was in a hurry to leave the primary inspection lane. BPA Estrada asked GARZA where he was heading and he responded that he was heading to Houston, Texas for work. BPA Estrada noticed that GARZA did not have any luggage. BPA Estrada then asked GARZA who the truck belonged to and he stated that it was a company truck. GARZA stated that he had been working for the company for 2 months. BPA Estrada asked him for the company name and he could not provide one. Estrada noticed that he had a new aftermarket diesel tank in the bed of his truck recently installed. A few minutes prior to the vehicle driving up, a truck had been seized containing marijuana in a false compartment of an aftermarket diesel tank.

As BPA Estrada was conducting his immigration inspection, Border Patrol Agent R. Gonzalez and his Service Canine "Tina" were conducting a non-intrusive, free air sniff of the exterior of the vehicle that GARZA was driving. BPA Gonzalez advised me that his Service Canine "Tina" had alerted to the vehicle. BPA Gonzalez then advised BPA Estrada to place the vehicle in the secondary inspection area for a further inspection of the vehicle. Due to the nervous behavior, canine alert, and previous similar case, BPA Estrada referred GARZA to the secondary inspection area for a further inspection.

Once BPA Estrada asked GARZA to place his vehicle in the secondary inspection area, GARZA fled in a high rate of speed heading north. At that point, I immediately stopped traffic. BPA J. Martinez immediately jumped in the checkpoint pursuit sedan and BPA Estrada entered the sedan passenger seat. BPA Estrada and BPA Martinez followed the vehicle north on highway 281 and it made a turnaround one mile north of the checkpoint, heading south on highway 281. The vehicle kept fleeing southbound on highway 281. A Border Patrol vehicle was parked in a crossover and GARZA attempted to strike it at a high rate of speed. The vehicle turned westbound on FM 755. We kept pursuing the vehicle on FM 755, when then he attempted to strike upcoming traffic at a high rate of speed. The vehicle continued to drive on FM 755 for a few miles until it made a turn northbound toward Tacubaya. The vehicle drove a few miles until GARZA bailed and vehicle came to a complete stop.

GARZA fled into a brushy area. Border Patrol Agents attempted to locate GARZA in the surrounding area. After an hour attempt, GARZA was located and arrested hiding in a heavily wooded area with the assistance of Omaha 35A. GARZA was then escorted into the Border Patrol vehicle and transported to the checkpoint for processing.

Border Patrol Agents located a false compartment underneath the aftermarket diesel tank in the bed of the truck. The compartment was opened, revealing several bundles wrapped in brown tape along with orange tape. The bundles were cut opened revealing marijuana.

Once inside the checkpoint, GARZA was read his Miranda Rights in his preferred language of English, at 0655 hours by myself, BPA Estrada and were witnessed by Border Patrol Agent W. Thompson. GARZA then signed his Miranda Rights forms indicating that he understood his rights.

After reading GARZA his rights, BPA Estrada escorted him to a holding cell and BPA Estrada then questioned him about the marijuana.

GARZA stated that he was kidnapped by the Gulf Cartel from his home in McAllen, Texas. GARZA was told by members of the Gulf Cartel that they had kidnapped his mom and he had to do a job for them. GARZA was taken to a warehouse in McAllen, Texas while being blind folded. GARZA stated that the members of the Gulf Cartel removed his blind fold for a few minutes. GARZA stated he observed the members of the Gulf Cartel insert several bundles of marijuana inside a cut off compartment underneath the diesel tank. GARZA stated the members of the Gulf Cartel then covered the compartment with a plate and screwed it on. GARZA also stated the members of the Gulf Cartel then placed the diesel tank in back of the truck. GARZA stated that he was going to get paid \$1,000.00 (USD) by the Gulf Cartel to transport the marijuana to Houston, Texas. GARZA stated that he had full knowledge that marijuana was inside the false compartment of the diesel tank.

A total of 14 bundles of marijuana weighing 128.52 KGMS were removed from the false compartment of the diesel tank.

On October 28, 2014 TFO Pendleton and TFO Brosig arrived at the Falfurrias Border Patrol Checkpoint and took custody of GARZA and the marijuana. TFO Pendleton read GARZA his Miranda Warnings as witnessed by TFO Brosig.

GARZA stated to TFO Pendleton that he placed some of the bundles of marijuana in the fuel tanks but did not know how much more was in there. GARZA stated the he was going to Houston somewhere on Highway 290 to sell the marijuana but did not want to give any names. GARZA stated that he has been selling dope since the age of fourteen.

GARZA stated to TFO Pendeton that the white Dodge pickup that was stop earlier was also loaded with marijuana by GARZA in Roma Texas. GARZA stated that after the Dodge truck was loaded he parked the truck at the IBC Bank and left the keys in the gas tank and walked back home.

GARZA further stated that he had to a guy's house and asked to have the boxes built with specific holes in the tool boxes. GRAZA stated that he paid between three thousand and four thousand for the tool boxes.

AUSA Elsa Salinas authorized federal prosecution of GARZA.

The amount of marijuana seized 128.52 kilograms infers intent to distribute.